

United States District Court  
Eastern District of Michigan

United States of America,

Plaintiff,

Hon. Paul D. Borman  
Mag. David R. Grand

v.

Case No. 2:11-cr-20314

John Bravata,

Defendant.

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**Government's Response to Bravata's  
Motion to Strike or Squash [ECF No. 480]**

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John Bravata asks this Court to strike deposition testimony that does not exist. His motion mostly consists of complaints that he was denied the opportunity to be present and participate in depositions conducted by the government of attorneys Margaret Raben and Richard Korn that did not occur. In its response to Bravata's § 2255 petition, the government attached as exhibits affidavits prepared by attorneys Raben and Korn (ECF No. 475-2, PageID.10003-15; ECF No. 475-3, PageID.10016-25). They provided affidavits to the government after

Judge Borman found that Bravata waived the attorney-client and work product privilege and ordered them to provide the government with information relating to the claims Bravata raised in his § 2255 petition. (ECF No. 464, PageID.9833-34). The information attorneys Raben and Korn provided to the government pursuant to Judge Borman's order was limited to the affidavits. There was no deposition of them taken, as Bravata mistakenly believes. His motion should be denied on this ground because it lacks any factual basis.

In his motion to strike, Bravata also repeats his argument from his § 2255 petition that attorney Raben was ineffective and unethical because she continued to represent him against his wishes. His motion to strike on this ground should be denied because striking attorney Raben's court-ordered affidavit is not the proper remedy, and whether or not she was constitutionally effective is already being litigated in the separate § 2255 proceedings.

## Conclusion

For all of the above reasons, this court should deny Bravata's motion to strike.

Respectfully submitted,

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Dated: August 12, 2021

## Certificate of Service

I certify that on August 12, 2021, I electronically filed the foregoing document with the Clerk of the United States District Court using the ECF system, which will send notification of such filing to all attorneys of record.

I further certify that I mailed the foregoing document via the United States postal service to the following non-ECF participant:

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